



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Call to Order: Mayor Shawaker called the meeting to order at 8:00 PM. Present were Councilmembers Altar, Benjamin, Bennett, Soltan, and Wegner, Town Administrator Pratt, Montgomery County Councilmember Nancy Floreen, reporters from the Garrett Park Bugle and the Montgomery County Gazette, as well as a number of Town residents.

Approval of Agenda: The agenda was amended, without objection, to include a presentation by resident Beth Irons concerning the subdivision of property at 4605 Oxford St. and to add consideration of the minutes for the 12/12/2005 Town Council meeting. Councilmember Benjamin **MOVED**

That the agenda be approved as amended. Councilmember Wegner seconded the motion, which **PASSED** unanimously.

Presentations by Guests:

- Montgomery County Councilmember and former Garrett Park Mayor Nancy Floreen updated the Council on County Council activity and on the developing FY 2007 County budget.
- Robert Diss from Lindsey & Associates, the Town's Auditor, formally presented the Council with the FY 2005 budget, informing the Council that the budget process had gone smoothly and no issues had been found within the financial accounts for the past fiscal year.

Presentations by Citizens: Maintenance Superintendent Butch Frost, his assistant Frank Breazeale, and the Town's snow removal contractor, David Gregg, were complemented by a number of residents for their excellent work during the recent snowstorm. Councilmember Soltan **MOVED**

That the Mayor and Council hereby commend the wonderful work of the Town staff through the weekend, night and day, to free the streets of Garrett Park of snow. Councilmember Benjamin seconded the motion, which **PASSED** unanimously.

Mayor's Report: Mayor Shawaker reported that she had been active with the MML Legislative Committee in Annapolis, working on a number of legislative issues, and had attended the Maryland Mayors Conference. The Mayor also reported that she had testified at the hearing on the MARC-station-closing bill being considered by the Assembly.

Councilmember's Reports:

- Councilmember Soltan reported that the proper management of the Town's rights of way was to be discussed at the Citizens Association's next issues meeting on March 29th, after the nominations are completed.
- Councilmember Altar reported that Martin Trocki was working up a proposal regarding the Town's website for inclusion in the FY 2007 budget.

Approval of Minutes:

- Councilmember Wegner **MOVED**
That the minutes of the 12/12/2005 Regular Town Council meeting be approved as corrected. The motion was seconded by Councilmember Soltan and **PASSED** unanimously.
- The minutes of the 01/09/2006 Regular Town Council were held for further review.

Demolition Permit Application Hearing: Mayor Shawaker opened the hearing on application #072505-DM01 to demolish the home located at 10806 Montrose Avenue, filed by Jahangir Mohandesi. Councilmember Bennett reported that the Historic Preservation Committee had reviewed the permit and had filed a report with the Town Council noting that "the Garrett Park Historic Preservation Committee has no issues with the proposed house demolition." The committee's report also noted that since the structure that was to be demolished was situated on more than one lot, according to Garrett Park Code of Ordinances Chapter 4, 401 (c) (1), that Lots 11 and 10 must be replatted into a single lot.

Mr. Mohandesi told the Council that the replatting had been approved by the M-NCPPC and was going through the recordation procedure, which would take some time. He asked he be permitted to demolish the house, allowing him to clean up the lot.

After discussion Councilmember Benjamin **MOVED**

That the demolition application for 10806 Montrose Avenue be approved on the condition that the building permit for a new home on that same property would not be issued until the replatting of Lots 11 and 10 into a single lot was recorded and a copy of the recorded new single lot was filed with the office. The motion was seconded by Councilmember Soltan and **PASSED**, with Councilmembers Bennett, Benjamin, and Soltan voting "Aye," and Councilmembers Altar and Wegner voting "Nay."

Presentation: Resident Beth Irons made a presentation to the Council regarding the proposed replatting of the Lustig property at 4605 Oxford St. (She also submitted written material which is attached to these minutes) Ms. Irons reported that a preliminary re-subdivision plan had been submitted to M-NCCPP (Plan #1-06016). After extended discussion it was the sense of the Council that while it shared Ms. Irons' concerns, it had no legal status to directly intervene in the M-NCPPC subdivision of land process. Mayor Shawaker indicated that she would attend the hearing as a private citizen.

Action

- Adoption of Ordinance 2006-02: Establishing a 20 MPH Town Speed Limit - Councilmember Altar **MOVED**

That the Council introduce ordinance 2006-02, lowering the Town speed limit from 25 MPH to 20 MPH. Councilmember Soltan seconded the motion. Councilmember Bennett expressed concern about enforcement. Councilmember Altar reported that discussions had been held with the Montgomery County Police Department, which had indicated that the speed limit would be enforced, depending on the availability of resources. Councilmember Bennett pointed out that county police did not currently enforce the current 25 MPH speed limit. Councilmember Benjamin asked about the previously stated need for an SHA review. Mayor Shawaker reported that the SHA had informed the Town that the review only applied to state highways, not to local roads. Councilmember Benjamin stated that he has consistently maintained that changing signs was inadequate to modify behavior, and that a public education plan, which would be a continuing plan, was needed. Without such a plan in place he could not support the ordinance. Councilmember Wegner agreed, stating that we needed a plan that would get people to change their behavior in a consistent way, and that just posting sign for a 20 or 19 MPH speed limit would not accomplish this. Councilmember Altar reported on the meeting held by the Garrett Park Citizens Association on the speed limit reduction and stated that materials related to a public education campaign were handed out, and that there was wide support for the ordinance, including support for handing out material at the Post Office and for posting specialty signs to draw drivers attention to the new speed limit. Councilmember Altar pointed out that materials had been handed out at the meeting. Councilmember Benjamin responded that these materials were the result of a brainstorming session and that there was no committee or plan established. Councilmember Soltan stated that the credibility of the education plan depended on changing the speed limit, and that changing the speed limit would focus attention on the problem of excessive speed in Town. Councilmember Bennett asked about a plan to post signs where there were none. Councilmember Altar stated that he felt that all the requests from the Council had been met and that there was more planning laid out for this ordinance than there was for other actions the Council was considering, and that the Council needs to take leadership on this issue. There was a brief discussion about speed bumps and stop signs. Councilmember Wegner stated that he doesn't support the proposed ordinance because he doesn't believe that posting signs will change behavior unless it is supported by a specific plan to educate the public with specific actions by specific individuals to implement the plan. There was discussion about what influenced motorist behavior. Councilmember Benjamin stated that because he supported safety in the Town he could not support the ordinance until a detailed public education plan was developed, and that when that was accomplished he would support it.

The Mayor called for a vote and the motion **FAILED** with Councilmembers Bennett, Benjamin, and Wegner voting “Nay,” and Councilmembers Altar and Soltan voting “Aye.”

- Strathmore Avenue Retaining Walls Veneer Installation – Councilmember Wegner reported that he had signed a contract for the installation of natural stone veneer with Quality Stone Veneer, Inc. for \$27,000. The increase in cost was a result of extra work needed to attach veneer to the ends of the walls. He is waiting for a written statement that covers an agreed extension of the warranty to 2 years and allows the warranty to be transferred from the Town to the property owners. He also reported that an amended draft of the necessary right of entry agreement was being prepared in response to comments from property owners.
- Speed Camera Installation on Strathmore Avenue – Councilmember Benjamin reported that speed cameras would soon be permitted in Montgomery County in residential areas and school zones for roads with speed limits of 35 MPH or lower. Councilmember Benjamin **MOVED**
That the Town of Garrett Park request that Montgomery County install a speed camera along State Route 547 within the limits of Garrett Park in order to enhance pedestrian safety, especially for schoolchildren. The motion was seconded by Councilmember Wegner and **PASSED** unanimously.
Councilmember Benjamin requested that this action be transmitted to appropriate County authorities.
- Vandalism of Town Property – Mayor Shawaker reported that the concrete repairs to the Waverly Ave sidewalk had been badly marred by students from the junior high and high school. The estimate of the cost to replace the damaged portions was \$6,000. She further reported that Town Administrator Pratt and Superintendent Frost had discussed the incident with witnesses and knew the names of a few of the students involved. Councilmember Benjamin suggested contacting the parents of those involved and asking for a contribution towards the cost of repair.
- Resolution In Support of Senate Bill 296 – Councilmember Wegner asked the Council to consider adding to the action agenda a resolution in support of the Town of Kensington’s proposal to allow municipalities to buy and install their own street lights, and/or to buy existing street lights from Pepco and to maintain them themselves. There was no objection. After discussion Councilmember Wegner **MOVED**
That the Town of Garrett Park strongly supports Senate Bill 296 and any other provision for municipalities to have greater flexibility in owning, maintaining, and operating street lights, as well as requirements that tariffs established by Pepco reflect the actual costs of installing, maintaining, and operating such lights. Councilmember Benjamin seconded the motion, which **PASSED** unanimously.

Information: There was none

Old Business: The Council reviewed the information supplied by Junior Achievement as well as the letters of support for its work with Montgomery County Schools from Principal Lee Derby of the Garrett Park Elementary School Principal Christopher Garran of the Walter Johnson High School, and Jerry Weast, Superintendent of Montgomery County Schools.

Councilmember Soltan **Moved**

That the Council of the Town of Garrett Park hereby expresses its approval for *Unlimited Futures*, a long-term partnership project between Junior Achievement of the National Capital Area and the Montgomery County School System. Councilmember Benjamin seconded the motion, which **PASSED** with Councilmembers Altar, Bennett, Benjamin, and Soltan voting "Aye," and Councilmember Wegner voting "Nay."

Town Administrator Report: Town Administrator Pratt asked that Councilmembers get proposals for the FY 2007 budget to him as soon as possible. Mayor Shawaker said she would be in contact with Councilmembers to set up a time for a budget workshop.

Adjournment: There being no further business, the meeting was adjourned at 10:30 PM.

Respectfully Submitted,

[TOWN SEAL]

Edwin Pratt, Jr.
Clerk-Treasurer